

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

LAWRENCE GENE PAGE, #2071847

§

v.

§

CIVIL ACTION NO. 6:16cv1210

G. SHIRLEY, WARDEN, ET AL.

§

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Lawrence Gene Page, an inmate confined within the Texas prison system, proceeding *pro se*, filed this civil rights lawsuit. The case was referred to the United States Magistrate Judge, the Honorable Judge John D. Love.

On August 3, 2017, the Magistrate Judge issued a Report, (Dkt. # 20), recommending that Page's lawsuit be dismissed, without prejudice, for want of prosecution and his failure to obey an order of the Court. Specifically, the Magistrate Judge found that Page failed to file an amended complaint as ordered by the Court. The docket reflects that no amended complaint has been filed. A copy of this Report was mailed to Page at his known address, return receipt requested. The docket reflects that the Report was returned as undeliverable, (Dkt. # 21), and the docket shows that Page has not communicated with the Court since April 2017. To date, no objections to the Report have been filed.

Consequently, Page is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. # 20), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Plaintiff's civil rights lawsuit is **DISMISSED** without prejudice for want to prosecution and failure to obey an order. Finally, it is

ORDERED that any and all motions which may be pending in this case are hereby **DENIED as moot**.

So **ORDERED** and **SIGNED January 31, 2019**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, Senior District Judge